

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

MARY M. ZAPATA, et al.,

Plaintiffs,

v.

HSBC HOLDINGS PLC, et al.,

Defendants.

Case No. 1:16-cv-30

**DEFENDANTS' RESPONSE TO PLAINTIFFS'
REQUEST FOR COURT CONFERENCE**

Defendants¹ respectfully respond to Plaintiffs' May 22, 2017, request for a Court conference. (ECF No. 60.) Defendants see no reason for a conference at this time. Plaintiffs' stated purpose for a conference—to address the scope of discovery in this action—is disingenuous.

On May 16, 2016, the Court held a conference to discuss Defendants' preliminary motions. The Court agreed with Defendants that briefing on the threshold issues of personal jurisdiction and venue should proceed in advance of briefing on whether Plaintiffs have stated a claim, given that the latter may well be entertained by another District Court. (*See* ECF No. 42.) The Court also permitted Plaintiffs to serve discovery demands, but only relating to jurisdiction and venue; the Court authorized Defendants to object to any such discovery demands and to submit briefing on why it is inappropriate. (*Id.* at 25.)

¹ Defendants include HSBC Holdings plc, HSBC Bank USA, N.A., HSBC Mexico, S.A., Institucion de Banca Multiple, Grupo Financiero HSBC and Grupo Financiero HSBC, S.A. de C.V.

Plaintiffs served discovery demands on May 18, 2016. Defendants served objections to those demands on June 17, 2016, and in their motions to dismiss and transfer, explained why the discovery sought by Defendants was not relevant to the pending motions. (*See* ECF No. 46 at 15-16 and ECF No. 47 at 8). In their response to Defendants' motions, Plaintiffs acknowledged that discovery was not required to decide the pending motions, but asked the Court to order such discovery if it "deem[ed] it necessary." (*See* ECF No. 52 at 22.) The issue is fully submitted and remains *sub judice*. Plaintiffs' current request, therefore, amounts to an effort to solicit the Court's views on motions currently before it—or to hasten a ruling on those motions.² But Plaintiffs' impatience is not grounds for a conference.

Finally, Plaintiffs' suggestion that the Court should consider ordering merits discovery is nonsensical. The Court has already rejected the notion of pre-motion merits discovery. (*See* ECF No. 42.) And the very purpose of bifurcated briefing in this action—to efficiently address preliminary issues before substantive—would be defeated by such discovery.

Defendants respectfully submit that Plaintiffs' request for a Court conference should be denied or deferred until the pending motions are decided.

² In apparent acknowledgment that the propriety of jurisdictional and venue discovery is an issue pending before the Court, Plaintiffs have made no effort to enforce their discovery requests in the full year since those requests were served.

Dated: Brownsville, Texas
May 25, 2017

Respectfully submitted,

/s/ Jaime A. Saenz

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing documents were filed electronically via the Southern District of Texas Electronic Case Management/Case Filing System (CM/ECF). All counsel of record that are registered with the CM/ECF will receive electronic notice of this filing. All other counsel or parties will be served today, May 25, 2017, in accordance with the Federal Rules of Civil Procedure.

/s/ Jaime A. Saenz

Jaime A. Saenz